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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 09/821,195             | 03/29/2001  | Timothy C. Loose     | 47079-00086USPT     | 4522             |
| 70243                  | 7590        | 04/20/2009           |                     |                  |
| NIXON PEABODY LLP      |             |                      | EXAMINER            |                  |
| 161 N CLARK ST.        |             |                      | MOSSER, ROBERT E    |                  |
| 48TH FLOOR             |             |                      |                     |                  |
| CHICAGO, IL 60601-3213 |             |                      | ART UNIT            | PAPER NUMBER     |
|                        |             |                      | 3714                |                  |
|                        |             |                      | MAIL DATE           | DELIVERY MODE    |
|                        |             |                      | 04/20/2009 PAPER    |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* TIMOTHY C. LOOSE,  
WAYNE H. ROTHSCHILD  
and NORMAN R. WURZ

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Application No. 09/821,195  
Technology Center 3700

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Mailed: April 17, 2009

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

**INFORMATION DISCLOSURE STATEMENT**

Appellant filed an Information Disclosure Statement (IDS) dated March 04, 2004. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellant of the Examiner's consideration of the above Information Disclosure Statement is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- 1) consider the Information Disclosure Statement filed March 4, 2004;
- 2) notify Appellants in writing of such consideration; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dm

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